

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MOHAMMED NIMAGA,

Petitioner,

v.

20-CV-1528-LJV
ORDER

THOMAS FEELEY, in his official capacity
as Field Office Director, Buffalo Field
Office, U.S. Immigration & Customs
Enforcement, *et al.*,

Respondents.

The *pro se* petitioner, Mohammed Nimaga, is a civil immigration detainee currently held at Buffalo Federal Detention Facility. Nimaga claims that his continued detention in United States Immigration and Customs Enforcement custody, pending removal proceedings, violates the United States Constitution, *see Jennings v. Rodriguez*, 138 S. Ct. 830, 851 (2018) (reserving determination of merits of due process arguments regarding extended detention without bond), and 8 U.S.C. § 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). He seeks relief under 28 U.S.C. § 2241. Docket Item 1. Nimaga also has paid the \$5.00 filing fee. *Id.*

ORDER

IT IS HEREBY ORDERED that within **45 days of the date of this order**, the respondents shall file and serve an **answer** responding to the allegations in the petition; and it is further

ORDERED that within **45 days of the date of this order**, the respondents shall file and serve, in addition to their answer, a **memorandum of law** addressing each of the issues raised in the petition and including citations to supporting authority and applicable sections of the Immigration and Nationality Act; and it is further

ORDERED that within **45 days of the date of this order**, instead of their answer, the respondents may file a **motion to dismiss** the petition, accompanied by appropriate exhibits, demonstrating that an answer to the petition is unnecessary; and it is further

ORDERED that the petitioner shall have **25 days after his receipt of the respondents' answer or motion to dismiss** to file a written reply; and it is further

ORDERED that the Clerk of Court shall serve a copy of the petition, together with a copy of this order, electronically via a notice of electronic filing to the United States Attorney's Office, Western District of New York, at USANYW-Immigration-Habeas@usdoj.gov.

THE PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND CORRESPONDENCE TO THE ATTORNEY APPEARING FOR THE RESPONDENTS.

SO ORDERED.

Dated: October 23, 2020
 Buffalo, New York

/s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE